

Message Text

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ACTION EB-11

INFO OCT-01 EUR-25 IO-13 ADP-00 AF-10 ARA-16 EA-11 NEA-10

RSC-01 CIAE-00 COME-00 DODE-00 FMC-04 INR-10 NSAE-00

CG-00 COA-02 DOTE-00 OIC-04 CEQ-02 EPA-04 SCI-06

RSR-01 NSF-04 AID-20 PM-07 NSC-10 SS-15 /187 W

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FM AMEMBASSY LONDON

TO SECSTATE WASHDC 2931

INFO USMISSION USUN NEW YORK

USMISSION GENEVA

UNCLAS SECTION 01 OF 02 LONDON 08669

E.O. 11652: N/A

TAGS: ETRN, IMCO

SUBJECT: IMCO: DECISIONS OF WORKING GROUP ON ESTABLISH-
MENT OF MARINE ENVIRONMENT PROTECTION COMMITTEE

1. SUMMARY: IMCO AD HOC WORKING GROUP CONVENED BY IMCO COUNCIL IN JUNE TO MAKE RECOMMENDATIONS CONCERNING US PROPOSAL TO ESTABLISH NEW MARINE ENVIRONMENT PROTECTION COMMITTEE (MEPC) MET JULY 23-27 AND UNANIMOUSLY ADOPTED RECOMMENDATIONS FOR CONSTITUTING NEW COMMITTEE AND DRAFT RESOLUTION FOR COUNCIL CONSIDERATION AND ASSEMBLY DECISION IN NOVEMBER. (ALL COUNCIL MEMBERS EXCEPT ALGERIA, AUSTRALIA AND GHANA PARTICIPATED. LIBERIA WAS REPRESENTED AS OBSERVER, AND REPRESENTATIVES OF UNEP AND FAO WERE PRESENT.) WORKING GROUP RECOMMENDATIONS ARE SET OUT IN AGREED REPORT TO COUNCIL, WHICH CONTAINS DRAFT RESOLUTION AS ANNEX. KEY US OBJECTIVES IN FORM OF ORGANIZATION OF NEW IMCO COMMITTEE WERE ALL OBTAINED, ALTHOUGH EMPHASIS WE SOUGHT ON PROVISION FOR REGIONAL COMMITTEES HAD TO BE MUTED.

2. WORKING GROUP MANAGED STATUTORY QUESTION OF CREATING
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SECOND PRINCIPAL COMMITTEE WITHIN ORGANIZATION WITHOUT

REQUIRING CHARTER AMENDMENT, AND ITS STATUS WITH RESPECT TO EXISTING CHARTER BASED MARITIME SAFETY COMMITTEE (MSC), BY SIMPLY RECOMMENDING THAT IN FIELD OF PREVENTION AND CONTROL OF MARINE POLLUTION MEPC WOULD HAVE "FUNCTIONS SIMILAR TO THOSE OF MSC IN THE FIELD OF MARITIME SAFETY." AUTHORITY FOUND IN CHARTER ARTICLES 12 AND 16C TO CREATE MEPC AS PERMANENT BODY OF ORGANIZATION.

3. TERMS OF REFERENCE RECOMMENDED FOR MEPC PRESERVE SPECIAL POWERS US SOUGHT IN ORDER TO PERMIT COMMITTEE ITSELF, WHERE PROVIDED FOR IN CONVENTIONS, TO ADOPT OR AMEND REGULATIONS OR OTHER PROVISIONS AND COMMUNICATE THEM TO GOVERNMENTS. TERMS OF REFERENCE ALSO PROVIDE FOR MEPC TO CONSIDER APPROPRIATE MEASURES TO FACILITATE THE ENFORCEMENT OF CONVENTIONS, AND WHERE APPROPRIATE TO MAKE RECOMMENDATIONS AND TO DEVELOP GUIDELINES.

4. WORKING GROUP ADDRESSED ITSELF OBLIQUELY TO (A) TIMING PROBLEM ENCOUNTERED WITH PROSPECTIVE ADOPTION OF FINAL LANGUAGE OF MARINE POLLUTION CONVENTION BY CONFERENCE IN OCTOBER, WHILE MEPC CANNOT BE FORMALIZED UNTIL NOVEMBER ASSEMBLY, AND (B) SPECIAL CONSIDERATIONS ARISING FROM TERMS OF OCEAN DUMPING CONVENTION. TAKING ACCOUNT OF THESE, REPORT STATES THAT IN CASES WHERE CONVENTIONS ASSIGN FUNCTIONS TO IMCO WITHOUT MAKING SPECIFIC REFERENCE TO MEPC, UNDERSTANDING OF WORKING GROUP IS THAT (WHERE FUNCTIONS RELATE TO MATTERS WITHIN TERMS OF REFERENCE OF MEPC) IT WOULD PERFORM THESE, "PARTICULARLY FUNCTIONS IN RESPECT OF THE ADOPTION OR AMENDMENT AND COMMUNICATION TO GOVERNMENTS OF REGULATIONS OR OTHER PROVISIONS OF SUCH CONVENTIONS IN THE MANNER PROVIDED FOR IN THOSE CONVENTIONS".

5. REPORT GOES ON TO SUGGEST THAT NEW CONVENTION FROM OCTOBER MARINE POLLUTION CONFERENCE MIGHT THUS REFER TO YET TO BE ESTABLISHED MEPC AS "THE APPROPRIATE PERMANENT ORGAN ESTABLISHED BY THE ASSEMBLY OF THE ORGANIZATION AND CHARGED WITH FUNCTIONS IN RESPECT OF MARINE POLLUTION."

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6. FOREGOING UNDERSTANDING INTENDED ALSO TO COMPREHEND SPECIAL CONSIDERATIONS INVOLVED IN ASSIGNMENT OF OCEAN DUMPING CONVENTION FUNCTIONS TO MEPC, WITH MECHANICS DETERMINED BY CLAUSE "IN THE MANNER PROVIDED FOR IN THOSE CONVENTIONS."

7. EXCEPT WHERE COMMITTEE ITSELF DISCHARGES FUNCTIONS UNDER CONVENTIONS (PARA 3 ABOVE.) MEPC WOULD REPORT

THROUGH COUNCIL TO ASSEMBLY (IN MANNER PARALLEL TO MSC).
USUAL RESPONSIBILITIES ON "BUDGETARY AND OTHER ORGANI-
ZATIONAL MATTERS" ARE RESERVED TO COUNCIL.

8. WORKING GROUP REPORT RECOMMENDS THAT MEPC, AS A
COMMITTEE OF THE ASSEMBLY (NOT COUNCIL), FOLLOW ASSEMBLY
RULES OF PROCEDURE, EXCEPT WITH RESPECT TO SESSIONS,

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ACTION IO-14

INFO OCT-01 EUR-25 ADP-00 AF-10 ARA-16 EA-11 NEA-10 RSC-01

CIAE-00 COME-00 DODE-00 EB-11 FMC-04 INR-10 NSAE-00

CG-00 COA-02 DOTE-00 OIC-04 CEQ-02 EPA-04 SCI-06

TRSE-00 L-03 RSR-01 NSF-04 AID-20 PM-07 NSC-10 SS-15

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TO SECSTATE WASHDC 2932

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CREDENTIALS, PUBLICITY, AGENDA, ELECTION OF OFFICERS,
SUMMARY RECORDS AND LANGUAGES, ON WHICH IT WOULD BE
AUTHORIZED TO ADOPT ITS OWN RULES.

9. ON QUESTION OF QUORUM FOR MEETINGS, WORKING GROUP
WAS TORN BETWEEN DESIRE, ON ONE HAND, TO ASSURE CHARAC-
TER OF BROAD BASED PARTICIPATION, AND CONCERN, ON OTHER
HAND, THAT QUORUM NOT BE SO HIGH AS TO BE IMPRACTICABLE.
THE TWO DESIDERATA COULD NOT BE RESOLVED BY WORKING
GROUP IN THE ABSTRACT DESPITE PROTRACTED EXCHANGES, AND
QUORUM QUESTION REMAINS AS ONLY FEATURE OF REPORT LEFT

OVER FOR SUBSEQUENT DETERMINATION (WHICH COULD BE MADE BY ASSEMBLY OR EVEN REMANDED TO NEW COMMITTEE ITSELF TO DECIDE.)

10. WORKING GROUP FELT THAT POWER TO ESTABLISH SUB-COMMITTEES WAS IMPLICIT. AT OUR INSISTENCE, HOWEVER, REPORT AFFIRMS THIS, AND INCORPORATES US VIEW THAT MEPC MAY CONSIDER ESTABLISHMENT OF REGIONAL SUBCOMMITTEES TO CONSIDER REGIONAL POLLUTION AND RELATED PROBLEMS BY UNCLASSIFIED

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AFFECTED STATES, TO MAKE RECOMMENDATIONS TO FULL COMMITTEE ON THESE, AND TO TAKE ACTION AT REQUEST OF FULL COMMITTEE. FRANCE INSISTED IN THIS CONNECTION ON CAVEAT IN REPORT THAT SUCH SUBCOMMITTEES SHALL NOT "PREJUDICE AGREEMENTS CONCLUDED OUTSIDE THE ORGANIZATION", HAVING REFERENCE TO PRESENT AND PROSPECTIVE UNDERTAKINGS AMONG EUROPEAN STATES. THERE WAS FAMILIAR CONCERN EXPRESSED BY OTHERS ABOUT PROLIFERATION OF SUBCOMMITTEES, AND SOME APPREHENSION SHOWN ABOUT PROSPECTS OF DISPERSION OF IMCO MEETINGS AWAY FROM HEADQUARTERS.

11. WORKING GROUP REPORT RECOMMENDS MEPC MEET TWICE A YEAR (INITIALLY IN ONE WEEK SESSIONS) USING PERIODS NOW ALLOCATED TO MSC SUBCOMMITTEE ON MARINE POLLUTION FOR ONE OF THOSE MEETINGS EACH YEAR. REPORT (AND DRAFT RESOLUTION) RECOMMEND THAT FIRST ORGANIZATIONAL MEETING BE HELD EARLY IN 1974 (WITH FEBRUARY-MARCH ENVISAGED).

12. WORKING GROUP CONSENSUS WAS THAT ONLY MODEST INCREASE IN STAFF REQUIRED IN INITIAL STATE (I.E., FIRST YEAR), BUT THAT PROVISION SHOULD BE MADE IN BUDGET FOR 1974-75 BIENNIUM TO MEET NEEDS FOR ADDITIONAL STAFF AND MEPC ACTIVITIES. ON BASIS OF THESE GUIDELINES, AND WORKING GROUP RECOMMENDATIONS TAKEN AS A WHOLE, SECRETARY GENERAL WILL DEVELOP BUDGET ADJUSTMENTS FOR CONSIDERATION BY COUNCIL AND DECISION BY ASSEMBLY IN NOVEMBER.

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